

FILED
 JUL 26 2005
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE

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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	Case No. 05-70140 PVT
Plaintiff,)	
v.)	PROPOSED ORDER GRANTING
SHIN-GUO TSAI,)	STIPULATION TO WAIVE TIME
Defendant.)	UNDER SPEEDY TRIAL CLOCK AND
)	FOR PRELIMINARY HEARING
)	Date: July 28, 2005
)	Time: 9:30 a.m.
)	Before the Honorable Howard R. Lloyd

~~PROPOSED~~ ORDER

This matter is set to come before the Court on July 28, 2005 at 9:30 a.m. for preliminary hearing or arraignment. Pursuant to Federal Rule of Criminal Procedure 5.1(d), the Defendant waived time for preliminary hearing until August 25, 2005 at 9:30 a.m. The parties notified the Court that the parties are engaged in discussions to resolve the matter pre-Indictment. The parties requested that the period of time between July 28, 2005 and August 25, 2005 be excluded from the Speedy Trial Clock to allow for the to allow for the continuity of counsel, because the defendant's lead counsel is out of the country. Good cause appearing therefor,

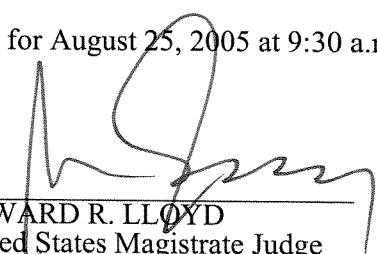
IT IS HEREBY ORDERED that the period of time between July 28, 2005 and August 25, 2005 is excluded from the Speedy Trial Clock to allow for the continuity of counsel. 18 U.S.C.

[PROPOSED] ORDER GRANTING PRELIMINARY
 HEARING EXTENSION AND EXCLUSION
 Case No. 05-70140 PVT

§ 3161(h)(8)(B)(iv). The Court finds that the “ends of justice served by the granting of such continuance outweigh[s] the best interests of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(8)(A). Additionally, the Court finds that the Defendant, Shin-Guo Tsai, knowingly and voluntarily waived the period between July 28, 2005 and August 25, 2005, such that preliminary hearing is now scheduled for August 25, 2005 at 9:30 a.m.

DATED:

7/26/05


HOWARD R. LLOYD
United States Magistrate Judge

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